IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 7018 of 2004

Between:

1 Guntu Subrahmanyam S/o Subbaiah
Chinnam Palli (Village & post) Obulavaripalli Mandal,
Cuddapah Dist
2 P.Nagaraju S/o Pedda Peraiah
Y.Kota (Village& Post) Obulavaripalli Mandal,
Cuddapah Dist
3 Gallinaggari Lakshmi Devi W/o Venkaramana
Chinnaoram Padu Village Obulavaripalli Mandal,
Cuddapah Dist
4 V.Rajeswaramm W/o V.G.Subba Reddy
Korla Kunta Obulavaripalli Mandal,
Cuddapah Dist
5 Chejarla Sankara Raju S/o Chengala Raju
Bomavaram Obulavaripalli Mandal,
Cuddapah Dist
6 Padmaraju Geetanjali W/o Bhaskar Raju
Bommavaram Obulavaripalli Mandal,
Cuddapah Dist
7 Modi Venkata Subbaiah S/o Yellaiah
Mangam Peta Obulavaripalli Mandal,
Cuddapah Dist
8 Salva Lakshmi Devi w/o Chinnabbi
Gadala Obulavaripalli Mandal,
Cuddapah Dist

..... PETITIONERS

AND

1 The District Collector, Cuddapah,
Cuddapah District.
2 The Chief Executive Officer, Zilla Parishad,
Cuddapah District.
3 The Mandal Development Officer, Obulavaripalli Mandal,
Cuddapah District.
4 The Executive Engineer Panchayat Raj , Rajampet,
Cuddapah District.
5 Obili Shantamma W/o Eswar Reddy
Obulavaripalli Mandal Cuddapah Dist

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction or a writ more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in proposing to construct the complex office at Obulavaripalli Village instead of at Chinnaorampadu village, Obulavaripalli Mandal, Cuddapah District as illegal, arbitrary, and vitiated by malafides and consequentially direct the authorities to construct Mandal Officer at Chinnaorampadu village in the site sanctioned by the District Collector, Cuddapah.

Counsel for the Petitioners: MR.VENKATESWARLU POSANI

Counsel for the Respondent Nos.1 to 4: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.5: MR.DEGALASRINIVAS

The Court made the following:

ORDER:

The eight petitioners are MPTC members of Obulavaripalli Mandal. They are aggrieved by the action of the respondents in constructing an office complex in Obulavaripalli village instead of Chinaorampadu village of the same Mandal. Therefore, they filed the writ petition seeking direction to the respondents to construct office complex of Mandal Parishad at Chinaorampadu village. It is the case of the petitioners that the District Collector having considered the representation of majority MPTC members as well as peoples representatives, by Proceedings dated 11.04.2002 allotted about Acs.10.00 of land at Chinaorampadu village for construction of Mandal complex. Necessary administrative sanction was also given. However, the petitioners allege that the third respondent herein managed resolution to construct Mandal Headquarters at Obulavaripalli village. Immediately, the petitioners made representations to the District Collector in vain. On orders of the second respondent, the fourth respondent has taken steps for construction of Mandal Parishad office building at Obulavaripalli village. This Court while admitting the writ petition, passed the following order on 13.4.2004 in WPMP No.9128 of 2004:

Learned counsel for petitioner submitted that by proceedings dated 11.4.2002 the District Collector, Cuddapah has decided construction of Mandal Complex at Chinnaorampadu village and earmarked Ac.0.21 cents in Survey No.1970/2 Part for such construction. On the same day another proceedings were also issued confirming the above said construction. The allegation of the petitioner is that the second respondent issued proceedings dated 17.10.2003 to take up the Mandal Parishad office building at Obulavaripalli and pursuant thereof, the 4th respondent/Executive Engineer on instigation of 5th respondent isproceeding with the construction of Mandal Complex at Obulavaripalli village in Survey No.508/2 in an extent of Ac.0.29 cents, contrary to the proceedings of the District Collector dated 11.4.2002.

Prima facie the order dated 17.10.2003 is contrary to the orders of the District Collector dated 11.4.2002.

In the circumstances, the 4th respondent is directed not to make any further constructions in Survey No.508/2, Obulavaripalli village, until further orders. Notice.

The respondent Nos.1, 2 and 4 moved this Court by filing WVMP No.1425 of 2004 for vacating the above interim orders. The matter was listed before this Court on 28.9.2004 and this Court directed the learned Government Pleader for Panchayat Raj to produce the necessary file. The file is produced and having perused the file and also having regard to the controversy, which is in narrow compass, the matter was heard finally with the consent of the learned Counsel for the petitioners, learned Counsel for the fifth respondent and learned Government Pleader for Panchayat Raj and is being disposed of.

In the counter affidavit filed by the Mandal Parishad Development Officer while denying various allegations made by the petitioners with regard to suitability of Obulavaripalli village for construction of Mandal Parishal office complex, it is further stated that the General Body meeting of Mandal Praja Parishad, Obulavaripalli was held on 21.1.2003 when it was unanimously resolved in Panchayat resolution No.43 for construction of Mandal Parishad building at Obulavaripalli village. The resolution was submitted to the District Collector. The District Collector visited the village and also inspected the land comprised Survey No.509/1. As instructed, the Mandal Revenue Officer also sent a report, whereupon on 10.10.2003 first respondent directed second respondent to issue instructions to fourth respondent to take up the construction work of Mandal Parishad Office building at Obulavaripalli village.

The petitioners have not filed any reply affidavit denying the averments. A perusal of the file would show that there was an appropriate consideration of entire matter by the District Collector, who is competent to accord administrative sanction. In any view of the matter, it is well settled that the matter concerning location of administrative headquarters, construction of office building and establishment of Hospitals etc., are purely in the realm of executive or statutory authority entrusted with such duties. These issues lack adjudicative disposition and therefore are not justiceable unless the person seeking redressal makes out a case of proven mala fide action. Such thing is absent in this writ petition.

The writ petition is devoid of merits and is accordingly dismissed and the interim order stands vacated.

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October 5, 2004. **V.V.S. RAO, J**

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To

1 The District Collector, Cuddapah,
Cuddapah District.
2 The Chief Executive Officer, Zilla Parishad,
Cuddapah District.
3 The Mandal Development Officer, Obulavaripalli Mandal,
Cuddapah District.
4 The Executive Engineer Panchayat Raj , Rajampet,
Cuddapah District.

5 2CCs to the Government Pleader for Panchayat Raj and Rural

Development, High Court Buildings, Hyderabad (O.U.T)

6 Two C.D. copies.